



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.:

10/722,184

Applicant:

**Phillips** 

Filed:

November 25, 2003

Art Unit:

1625

Examiner:

Unknown

Title: NOVEL SUBSTITUTED BENZIMIDAZOLE

DOSAGE FORMS AND METHOD OF USING SAME

Docket No.:

03207556

Customer No.:

26565

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

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## SUPPEMENTAL INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)

Dear Sir:

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicant brings to the attention of the Examiner the documents listed on the attached PTO/SB/08B form.

The references submitted in this Information Disclosure Statement were cited in the International Search Report of a corresponding PCT Application No. PCT/US03/06140 (copy enclosed) and in a recent Office Action for U.S. Application No. 10/407,552.

Applicant respectfully requests that the Examiner consider the listed documents and evidence that consideration of relevant portions thereof by making appropriate notations on the attached form. Pursuant to MPEP 609(A)(III)A(2) (page 600-128, Rev. 2, May 2004), no copies of the listed U.S. Patent documents are submitted as the present application was filed after June 30, 2003.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each of all of the listed documents are material or constitute "prior art." If it should be determined that any of the listed documents do not constitute "prior art" under United States law, Applicant reserves the right to present to the Office the relevant facts and law regarding the appropriate status of such documents.

Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

The Commissioner is hereby authorized to charge any additional filing fees required under Rule 1.17 concerning this transaction, or to credit any overpayment to Deposit Account 13-0019.

Respectfully submitted,

David B. Fournier Reg. No. 51696

Date: March  $\underline{4}$ , 2005

MAYER, BROWN, ROWE & MAW LLP

P.O. Box 2828

Chicago, Illinois 60690-2828 Telephone: (312) 701-7989 Facsimile: (312) 706-9000

Substitute for form 1449/PTO MAR 0 4 2005 THE BADEME Sheet

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Complete if Known				
Application Number	10/722,184			
Filing Date	November 25, 2003			
First Named Inventor	Phillips			
Art Unit	1625			
Examiner Name	Unknown			
Attorney Docket Number	03207556			

U.S. PATENT DOCUMENTS					
Examiner Initials*	Document Number  Number-Kind Code <sup>2</sup> (if known)	Publication Date MM-DD-YY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	
	5,041,442	08/20/91	Romero et al.		
	5,703,097	12/30/97	Kim et al.		
	6,280,773	08/28/01	Cho et al.		
	2001/0053387	12/20/01	Hamied et al.		

	FOREIGN PATENT DOCUMENTS					
Examiner	Cite No. 1	Foreign Patent Document	Publication Date MM-DD-YY	Name of Patentee or	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	
Initials*		Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>6</sup> (if known)		Applicant of Cited Document		T°

	NON PATENT LITERATURE		
Examiner Initials*	Cite No. 1	Include name of the author (in CAPTIAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	

Examiner	Date	
Signature	Considered	

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. 'Applicants' unique citation designation number (optional). See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 90.104. 'Enter Office that issued the document, by the two-letter code (WIPO Standard St. 3). 'For Japanese patent document, by deep of the responsive for of the Emperor must precede the serial number of the patent document by the appropriate symbols as indicated on the document under WIPO Standard St. 16 if possible. "Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing this form, call 1-800-PTO-9199 (1-800-788-9199) and select option 2.